IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5936 of 2005

Between:

1 Girish Batra No. 911520508 S/o B. Batra
Pharmacist (ASI) Base Hospital-II Working in

Base Hospital-II, Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad
2 M.S. Govinda Raju 911221315, S/o S. Srinivas
H.C. X Ray Assistants Working in

Base Hospital-II, Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad
3 Om. Prakash No. 923230028 S/o Shri Nanakram,
CT/N/Assistant Working in

Base Hospital-II, Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad
4 Patras Lakra No. 019130236 S/o Vacub Lakra,
Chowkidar, Working in Base Hospital-II,

Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad
5 Sanjeev Singh No. 029140038, S/o Shri Rampal Singh,
S.F.S.M. Working in Base Hospital-II,

Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad
6 Stapal No. 039140022 Shri Ishwer dass
HC.Lab Assistant Working in Base Hospital-II,

Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad
7 Ganesh Kumar No. 039140031, S/o Dhani Ram,
W.Man Working in Base Hospital-II,

Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad
8 Manoj Kumar Ram, No. 973060027, S/o Swaminath Ram

Safai Karmachari Working in Base Hospital-II,

Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad

9 B. N. Thakur F. NO. 751240423, S/o Shri Nago Thakur
CT/Mali Working in Base Hospital-II,

Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad

10 G.Papayya F.No. 710430326 S/o G. Ramayya
CT/N/Asst. Working in Base Hospital-II,

Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad

11 Mariamma Sibychan No861570248 W/o K.C. Sibychan
CT/N/Asst. Working in Base Hospital-II,

Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad

12 Md. Zahiruddin F. No. 911589476
ASI/Pharmacist 172 Bn Working in

Base Hospital-II, Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad

13 Pramod Thiwary, No. 913050162, 99 Battalion,

Rapid Action Force CT/NAAsst. Ranga Reddy District

Working in Base Hospital-II, Central Reserve Police Force,
Group Centre, Chandrayanagutta, Hyderabad

..... PETITIONERS

AND

1 Union of India, rep by Secretary

Ministry of Health Family Welfare,

Nirman Bhavan, New Delhi

2 The Secretary, Government of India,

Ministry of Home Affairs, North Block, New Delhi

3 The Director General, Central Reserve Police Force,

C.G.O. Complex, Lodhi Road, New Delhi

4 The Director (Medical) Central Reserve Police Forece,

R.K. Puram, New Delhi

5 The Inspector General of Police,

Central Reserve Police Force Southern
Sector, Road No. 12 Banjara Hills, Hyderabad
6 The Deputy Inspector General of Police,

(Operations) Central Reserve Police Force, Group Centre,
Chandrayanagutta, Hyderabad
7 The Chief Medical Officer,

2nd Base hospital Central Reserve Police Force, Keshogiri,

Chandrayanagutta, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ or order or direction in the nature of a Writ declaring the signal issued by the 4th respondent dated 19-1-1002 and the proceedings of the 2nd respondent in No. 27012/4/2000-PF-IV dated 8-9-2000 and of the 4th respondent in NO. AIX.1/2000/MED-II dated 22-9-2000 and the action of the respondents in not paying the patient care allowance to the petitioners even while paying the same to their colleagues similarly placed in the same class, as highly discriminatory, illegal, arbitrary and violative of Art, 14 and 16 of the Constitution of India, as violative of the Principles of Natural justice and to set a side the afore said orders and consequently direct the respondents to pay the petitioner the Hospital Patient care allowance at the rates as revised from time to time and as respectively applicable to Group C and D employees with effect from 1-10-1987 or the date of appointment of the petitioners which even is later or from the date as deemed just and proper by this Hon'ble Court and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.J.V.PRASAD

Counsel for the Respondent Nos.1 to 7: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court at the admission stage made the following:

ORDER:

In not paying the patient care allowance to the petitioners, the present writ petition is filed.

Heard the learned Counsel for the petitioners and the learned standing Counsel for the respondents.

Whether the petitioners are entitled for the benefit of patient care allowance or not, is to be decided by the respondents, in accordance with rules, governing the service conditions of the writ petitioners, as well as a direction given by this Court in W.P.Nos.1130 & 23645 of 1996, dated 07.10.2004.

Therefore, without entering into the merits of the case, the respondents are directed to take appropriate decision in payment of patient care allowance to the petitioners, in accordance with rules and regulations, governing the service conditions of the petitioners, and also the decision rendered by this Court in W.P.Nos.1130 & 23645 of 1996, dated 07.10.2004.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 22.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1 The Secretary, Union of India,

Ministry of Health Family Welfare,

Nirman Bhavan, New Delhi

2 The Secretary, Government of India,

Ministry of Home Affairs, North Block, New Delhi

3 The Director General, Central Reserve Police Force,

C.G.O. Complex, Lodhi Road, New Delhi

4 The Director (Medical) Central Reserve Police Forece,

R.K. Puram, New Delhi

5 The Inspector General of Police,

Central Reserve Police Force Southern
Sector, Road No. 12 Banjara Hills, Hyderabad

6 The Deputy Inspector General of Police,

(Operations) Central Reserve Police Force, Group Centre,
Chandrayanagutta, Hyderabad

7 The Chief Medical Officer,

2nd Base hospital Central Reserve Police Force, Keshogiri,

Chandrayanagutta, Hyderabad

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